

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB BRADLEY DEMARAIS,

Defendant.

Case No. 1:21-cr-130

**MOTION TO CORRECT/AMEND
JUDGMENT IN A CRIMINAL CASE**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, and Gary L. Delorme, Assistant United States Attorney, submits this Motion to Correct/Amend Judgment in a Criminal Case pursuant to Rule 36 of the Federal Rules of Criminal Procedure.

On March 9, 2023, Jacob Bradley Demarais (Demarais) was sentenced to one count of Distribution of Images Depicting the Sexual Exploitation of Children in violation of 18 U.S.C. §§ 2252(a)(2) and 2252(b)(1). (Doc. 64, J.). Prior to sentencing, the United States filed a Sentencing Memorandum and Sealed Supplement to the United States' Sentencing Memorandum ("Sealed Supplement"). (Doc. 53, 54). The United States' Sealed Supplement requested restitution under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA) for several victims including the victims in the PinkHeartSisters2 ("Tori") and Tara series. (Doc. 54 at 4, 9-10.). 18 U.S.C. § 2259.

The PinkHeartSisters claim was also included in the Presentence Investigation Report ("PSR") filed on February 24, 2023. (Doc. 44 ¶ 9). The United States noted in its Sealed Supplement that Demarais did not possess images for the victim known as "Erika"

in the PinkHeartSisters series, and therefore, was not seeking restitution on her behalf. (Doc. 54 at 4 n.2). The Tara series was not referenced in the PSR; however, the United States included her claim in its Sealed Supplement. (Id. at 4, 9-10); (Doc. 52-11.)

The Judgment filed in this case correctly reflects restitution for 12 victims totaling \$36,000.00 (Doc. 64, J at 7); however, the United States submits the following changes are needed to properly reflect the victims and claims received in this case:

1. Remove the restitution awarded to the victim known as “Erika” as part of the PinkHeartSisters series. The total sum awarded for that series should be \$3,000.00 for the victim known as “Tori,” only. See (Doc. 54 at 4 n.2); (Doc. 54-1 at 6).

2. Add the victim in the Tara series to receive the sum of \$3,000 similar to all other victims named in this case. (Id. at 4); (Doc. 52-11).

Accordingly, the United States respectfully requests the Court amend its Judgment to reduce restitution imposed for the PinkHeartSisters series to \$3,000 for the victim known as “Tori,” only, and impose restitution in the sum of \$3,000 to the victim in the Tara series.

Dated: March 14, 2023

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